

Serial No.: 09/738,801

Attorney Docket No.: 00P9081US

**REMARKS**

Upon entry of the instant Amendment, Claims 1-18 are pending. Claims 1, 4, 10 and 16 have been amended to more particularly point out Applicant's invention. Claim 18 was amended to correct an informality. The Specification was amended to provide explicit reference to a reference numeral found in FIG. 6. No new matter has been added.

The drawings were objected to because the reference numeral 606 was not explicitly recited in the specification. The specification has been amended to provide explicit reference.

Claim 18 was objected to because of an informality (i.e., "to"). The claim has been amended to provide the preposition.

Claims 1, 4-7, 10-13 and 15-18 were rejected under 35 U.S.C. 102(e) as being unpatentable over Budge et al., U.S. Patent No. 6,014,689 ("Budge"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Budge.

As discussed in the specification, an aspect of the present invention is to provide an improved video e-mail system. Certain embodiments include a video input device with a video e-mail controller, and a Web Access Device processor implementing video capture, e-mail and compression selection programs. In operation, a user activates the video e-mail controller, for example, by pushing or clicking a button. The video input device sends a video stream to the Web Access Device processor which is stored until the user clicks or pushes the button again. The Web Access Device processor then activates the e-mail program, opens a "compose" window, and automatically attaches the stored video file.

Thus, claim 1 has been amended to recite "automatically accessing said at least a portion from memory and attaching said at least a portion of said video to an e-mail message;" claims 4, 10, and 16 have been amended to recite "automatically attach[ing] said video images to an e-mail compose window responsive to a video e-mail command signal for transmission as an attached e-mail file."

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In contrast, Budge appears to require the user to access (LOAD) a video file and then manually activate the MAIL button 670. Presumably, then, the user must manually attach the file. However, Budge does not appear, inter alia, to automatically attach the video file to an e-mail compose window for transmission. Thus, Budge appears representative of problems solved by implementations of the present invention, which allow for automatic loading or attachment of video files. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claims 2, 3, 8, 9, and 14 were rejected under 35 U.S.C. 103 as being unpatentable over Budge. For reasons similar to those discussed above with reference to the independent claims, Applicant submits that Budge also does not teach, suggest, or imply the invention of the dependent claims.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

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